

REMARKS

Claims 1, 2, 4-7, 9-11, 13-22, 25-27, 30, 31, 38-41, 43, 49-55, 59-61, 63, 64, 72-78, 83-85, 87-90, and 93-96 are pending in the present application. Claims 1, 2, 4-7, 9-11, 13-22, 25-27, 30, 31, 38-41, 43, 49-55, 59-61, 63, 64, 72-77, 83-85, 87-90, and 93-96 are rejected in the present patent application. Applicant has amended claims 1, 2, 5, 6, 17, 20, 22, 38, 41, 49, 54, 60, 61, 63, 72, 73, 74, 75, 76, 87, 88, and 93, and cancelled claim 78. Applicant respectfully requests reconsideration of pending claims in the present patent application in view of the amendments and remarks.

Claim Objection

Claim 49 has been amended to overcome the objection.

Election/Restrictions

Applicant has canceled claim 78, as it has been withdrawn from consideration by the Examiner.

Rejection under 35 USC 102(b)

Claims 1, 9, 17, 22, 27, 60, 72, 74, 75, 87, and 88 are rejected under 35 USC 102(b) as being anticipated by De Vre et. al. (U.S. Pat. No. 5,640,256, per the Certificate of Correction in the Patent, the inventor name has been amended to De Vre). Applicant respectfully disagrees with the rejection of these claims. In particular, Applicant submits that the De Vre patent does not anticipate independent claims 1, 60, 72, and 87 because

De Vre fails to teach, describe, or suggest continuously tunable grating, which is an inherent feature of a holographic element containing a single hologram as is the case in the present application. The claims in the present invention as amended contain a holographic element with a single hologram within and it is inherent to continuously tune with a single hologram and not tune by switching, which is what the cited art does.

Rejection under 35 USC 103(a)

The Examiner has rejected claims 2, 5-7, 20, 38, 41, 54, 55, 61, 63, 76, 77, 85, 89, 90, and 96 under 35 USC 103(a) as being unpatentable over De Vre et. al. Applicant respectfully disagrees with the rejection of these claims. In particular, Applicant submits that the De Vre patent does not anticipate independent claim 76 because De Vre fails to teach, describe, or suggest continuously tunable grating, which is an inherent feature of a holographic material containing a single holographic grating as is the case in the present application. Since the rest of the above mentioned claims depend on one of now allowable independent claim 1, 60, 72, 76, or 87, the above mentioned rejection has been overcome.

The Examiner has rejected claims 4, 9-11, 13-16, 18, 19, 21, 25, 26, 30, 31, 39, 40, 49, 53, 59, 64, 73, 83, 84, and 93-95 under 35 USC 103(a) as being unpatentable over De Vre et. al. in view of Domash et. al. Applicant respectfully disagrees with the rejection of these claims. Since the above mentioned claims depend on one of now allowable independent claim 1, 60, 72, 76, or 87, the above mentioned rejection has been overcome.

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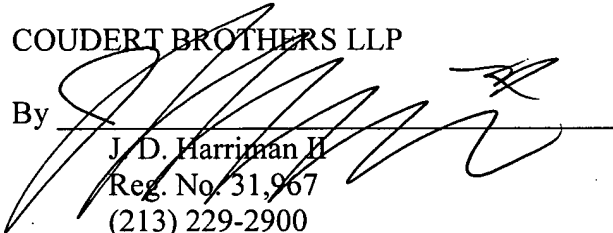
CONCLUSION

The Examiner has rejected claims 1, 2, 4-7, 9-11, 13-22, 25-27, 30, 31, 38-41, 43, 49-55, 59-61, 63, 64, 72-77, 83-85, 87-90, and 93-96. Applicant has amended claims 1, 2, 5, 6, 17, 20, 22, 38, 41, 49, 54, 60, 61, 63, 72-76, 87, 88, and 93, and cancelled claim 78, and replied to the Examiner's rejection. Applicant respectfully requests reconsideration of pending claims in the present patent application in view of the amendments and remarks. Applicant submits that pending claims 1, 2, 4-7, 9-11, 13-22, 25-27, 30, 31, 38-41, 43, 49-55, 59-61, 63, 64, 72-77, 83-85, 87-90, and 93-96 are now in a condition for allowance.

Respectfully submitted,

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